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ABSTRACT

This document reports on a bill (H.R. 4087) to amend Title 38 of the United States Code with respect to employment and training programs for veterans. By unanimous vote, the House Committee on Veterans' Affairs recommended passage of the bill as amended by the committee. The report first lists the proposed changes in the bill and then explains its major provisions. These provisions would: (1) provide employment and training information and services to individuals serving on active duty who are within 180 days of their discharge; (2) expand the duties of the Disabled Veterans Outreach program specialists to include provision of services to persons on active duty who are within 180 days of discharge; (3) expand the duties of the Local Veterans' Employment Representatives to serve the same group; (4) extend the definition of a veteran of the Vietnam era for eligibility purposes; (5) replace a Labor Department committee with another advisory committee related to training and employment; and (6) require the advisory committee to submit a report on employment and training needs of veterans and recommendations for improvement. The report then provides background and discussion of the bill, cost estimates, the viewpoint of the Veterans' Administration, and a section-by-section analysis of the bill. (KC)

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2ND SESSION | HOUSE OF REPRESENTATIVES | REPORT
101-562

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VETERANS EMPLOYMENT AND TRAINING PROGRAMS

JUNE 27, 1990.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

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Mr. MONTGOMERY, from the Committee on Veterans' Affairs, submitted the following

REPORT

[To accompany H.R. 4087]

[Including cost estimate of the Congressional Budget Office]

The Committee on Veterans' Affairs, to whom was referred the bill (H.R. 4087) to amend title 38, United States Code, with respect to employment and training programs for veterans, having considered the same, reports favorably thereon with amendments, by unanimous voice vote, and recommends that the bill as amended do pass.

The amendments (stated in terms of the page and line numbers of the -introduced bill) are as follows:

Page 1, after line 2, insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Veterans Employment and Training Amendments of 1990".

Page 1, line 3, strike out "**SECTION 1.**" and insert in lieu thereof "**SEC. 2.**".

Page 3, line 20, strike out "2" and insert in lieu thereof "3".

Page 4, line 13, strike out "required by" and insert in lieu thereof "and recommendations referred to in".

Page 5, line 2, insert "business," after "of".

Page 5, line 3, strike out "and labor" and insert in lieu thereof "or labor".

Page 5, after line 20, insert the following:

"(10) The Assistant Secretary of Labor for Employment and Training.

"(11) The Director of the United States Employment Service.

Page 5, line 21, strike out "(10)" and insert in lieu thereof "(12)".

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Page 5, line 21, after "of" insert the following:

"nationally based organizations with a significant involvement in veterans employment and training programs and of".

Page 6, line 6, insert "reasonable and necessary" before "travel".

Page 6, line 16, insert "(1)" before "Not".

Page 6, lines 21 and 23, and on page 7, line 1, strike out "(1)", "(2)", and "(3)" and insert in lieu thereof "(A)", "(B)", and "(C)", respectively.

Page 7, after line 3, insert the following:

"(2) In addition to the reports made under paragraph (1), the committee may make recommendations to the Secretary of Labor with respect to the employment and training needs of veterans at times and in the manner determined by the committee.".

Page 7, after the unnumbered last line on the page, add the following new section:

SEC. 4. TECHNICAL AMENDMENT.

Section 2004 of title 38, United States Code, is amended—

(1) in subsection (a)(1), by striking out "assignment" each place it appears in the material preceding subparagraph (A) and inserting in lieu thereof "appointment";

(2) in subsection (a)(1)(C), by striking out "assignment" and inserting in lieu thereof "appointment";

(3) in subsection (a)(4), by striking out "assigning" and inserting in lieu thereof "appointment"; and

(4)by striking out subsection (d).

INTRODUCTION

On February 22, 1990, H.R. 4087, a bill designed to expand and improve employment and training programs for veterans, was introduced by the Honorable Timothy J. Penny, Chairman of the Subcommittee on Education, Training and Employment, and the Honorable Christopher Smith, ranking minority member of the Subcommittee. Other cosponsors include Committee members G.V. (Sonny) Montgomery, Don Edwards, Douglas Applegate, Lane Evans, Harley Staggers, J. Roy Rowland, Charles Stenholm, Claude Harris, Joseph Kennedy II, Elizabeth Patterson, Jim Jontz, L.F. Payne, Bruce Morrison, George Sangmeister, Mike Parker, Ben Jones, Jill Long, Pete Geren, George Hochbrueckner, Bob Stump, John Paul Hammerschmidt, Chalmers Wylie, Bob McEwen, Dan Burton, Michael Bilirakis, Thomas Ridge, John Rowland, Robert C. Smith, Craig James, Cliff Stearns, and Bill Paxon. Additional cosponsors include Marvin Leath, W.G. (Bill) Hefner, Ed Jenkins and Bill Richardson.

The Subcommittee held a hearing on April 25, 1990, to receive testimony on H.R. 4087. Witnesses at this hearing included: The Honorable Thomas E. Collins III, Assistant Secretary for Veterans Employment and Training, U.S. Department of Labor; Mr. James Lowe, Deputy Commissioner, Georgia State Department of Labor and Chairman, Interstate Conference of Employment Security

Agencies, Inc. Veterans Affairs Committee; Mr. Thomas Hartnett, Commissioner, New York State Department of Labor; Mr. Thomas L. Ryan, Non-Commissioned Officers Association; Mr. Robert D. Manhan, Veterans of Foreign Wars; Mr. Paul S. Egan, Vietnam Veterans of America; Mr. John C. Bollinger, Paralyzed Veterans of America; Mr. James E. Hubbard, The American Legion; and Mr. Ronald W. Drach, Disabled American Veterans.

The Subcommittee met on May 3, 1990, and voted unanimously to recommend H.R. 4087, as amended, to the full Committee. On May 17, 1990, the full Committee unanimously approved the measure, and ordered H.R. 4087, as amended, reported to the House.

Major Provisions of H.R. 4087, As Amended

The reported bill would:

1. Provide employment and training information and services to individuals serving on active duty with the Armed Forces who are within 180 days of the estimated date of their discharge or release from active duty.
2. Expand the duties of the Disabled Veterans Outreach Program specialists (DVOPs) to include provision of services to individuals serving on active duty with the Armed Forces who are within 180 days of the estimated date of their discharge or release from active duty.
3. Expand the duties of the Local Veterans' Employment Representatives (LVERs) to include functional supervision of employment and training information for individuals serving on active duty with the Armed Forces who are within 180 days of the estimated date of their discharge or release from active duty.
4. Extend the definition of a veteran of the Vietnam era for eligibility purposes under Chapter 42 (Employment and Training of Veterans) from December 31, 1991, to December 31, 1996.
5. Replace the existing Secretary of Labor's Committee on Veterans' Employment with an Advisory Committee on Veterans Employment and Training to assess the employment and training needs of veterans and the degree to which these needs are being met.
6. Require the Advisory Committee to submit a report on employment and training needs of veterans, and recommendations for improvements, no later than July 1 of each year; also require the Secretary of Labor to transmit a copy of the report to the Congress within 60 days of receipt.

Background and Discussion of the Bill

EMPLOYMENT AND TRAINING INFORMATION AND SERVICES FOR ACTIVE DUTY SERVICEMEMBERS

Section 408 of the Veterans' Benefits Amendments of 1989, Public Law 101-237, directed the Secretary of Labor, in conjunction with the Secretary of Veterans Affairs and the Secretary of Defense, to conduct a pilot program to furnish employment and training information and services to members of the Armed Forces within 180 days of their discharge or release from active duty. The pilot program has been implemented in six states and is known as

the Transition Assistance Program (TAP) or Disabled Transition Assistance Program (DTAP). DTAP is designed to provide additional assistance to those active duty military personnel who have a known disability and may be in need of specialized assistance.

Under current law, Disabled Veterans' Outreach Program Specialists (DVOPs) and Local Veterans' Employment Representatives (LVERs), the veterans' employment specialists in local job service offices who are the primary service providers under the pilot program, are not explicitly authorized to provide employment services to individuals still on active duty. Rather, they are directed to provide such services to certain categories of veterans--persons who have completed their active duty military service--and to the spouses and surviving spouses of certain service-connected-disabled veterans and the spouses of servicemembers who are missing in action or held captive.

Because of the recent dramatic changes in international relations and the resulting reduced military threat, the armed services are expected to significantly reduce their personnel levels over the next two to five years. Many individuals will be involuntarily separated from active duty and in need of assistance as they face reentry into the civilian work market. In addition to the approximately 300,000 Armed Forces personnel routinely discharged each year, an additional 30,000 to 50,000 military personnel or more could be separated annually. As a result, the pilot program established under Public Law 101-237 may need to be expanded. In order to accomplish this, the current restriction on DVOP and LVER services must be eased so that the services can be provided to persons still on active duty. Accordingly, section 1 of the reported bill would expand the duties of DVOPs and LVERs to include provision of services to individuals serving on active duty who are within 180 days of the estimated date of their discharge or release from active duty.

The Committee stresses that the Secretaries of Labor, Veterans Affairs, and Defense shall jointly determine that an expansion of the pilot program is desirable and feasible. Additionally, the Secretaries shall use this authority carefully and not enlarge the pilot program unless it can be demonstrated that services to veterans will not be diminished or adversely affected by an expansion of DVOP and LVER responsibilities. The primary responsibility and commitment of DVOPs and LVERs is now, and must continue to be, to individuals who have completed their military service and are in need of employment and training assistance.

EXTENSION OF THE DEFINITION OF A VETERAN OF THE VIETNAM ERA

Sections 2011(2)(A) and (B) of title 38, United States Code, define the term "veteran of the Vietnam era" and establish December 31, 1991, as the termination date for that definition. Section 1(c) of the Committee bill would extend that date to December 31, 1996.

If the Vietnam era veteran definition were to terminate as required under current law, at least two things would occur. First, certain requirements for affirmative action for Vietnam era veterans would be discontinued. For example, section 2012 of title 38, USC, which requires that certain federal contractors take affirma-

tive action to employ and advance in employment qualified special disabled veterans and veterans of the Vietnam era, would no longer apply. Additionally, the number of DVOPs would be significantly reduced. In order to determine the number of personnel assigned under the DVOP program, section 2003A of title 38, USC, includes a formula which requires the appointment of one DVOP for each 5,300 veterans of the Vietnam era and disabled veterans residing in a State. The definition of Vietnam era veterans for that purpose is based on section 2011(2), title 38, USC. Under the current formula, 1,883 DVOP positions are required for fiscal year 1991. In the event the Vietnam era veteran definition is not extended beyond the December 31, 1991, expiration date, it is estimated the number of DVOPs could be reduced by up to 80 percent.

In testimony before the Subcommittee, the representative of the Veterans of Foreign Wars stated, ". . . While the percentage of unemployment among Vietnam-era and disabled veterans is slightly lower than unemployment among the general U.S. workforce, there remains an alarming number of veterans who have not benefited from any of these existing ASVET programs. This group of veterans, conservatively estimated at more than 300,000, is considered chronically unemployed . . . An agency profile further shows this group to be comprised largely of African-Americans, Hispanics, and women . . . Furthermore, we have every reason to suspect the issue of underemployment is an even bigger problem among Vietnam-era veterans . . . Accordingly, the VFW strongly believes the staffing levels of DVOP and LVER specialists must not be reduced below their present authorized level." The Committee agrees with these comments and, additionally considering the possible need for an expansion of the TAP/DTAP program discussed earlier, feels a reduction in DVOP/LVER staff at this time would severely reduce critical employment and training services to veterans.

ADVISORY COMMITTEE ON VETERANS EMPLOYMENT AND TRAINING

Section 2 of H.R. 4087, as amended, would replace the existing Secretary of Labor's Committee on Veterans' Employment with an Advisory Committee on Veterans Employment and Training. The purpose of this Committee would be to assess the employment and training needs of veterans, determine the extent to which the programs and activities of the Department of Labor are meeting such needs, and carry out such other activities as are necessary to report on and make recommendations regarding the employment and training needs of veterans.

By way of background, a Committee on Veterans' Employment was established administratively in the mid-1970s by former Secretary of Labor William J. Usery. That Committee was composed of Department of Labor (DOL) representatives and representatives of veterans organizations who met informally with the Secretary of Labor to discuss employment and training programs as they affected veterans. When this Committee was disbanded under Secretary of Labor Raymond Donovan, Congress, in order to continue the dialogue regarding veterans' employment needs, established the Secretary of Labor's Committee on Veterans Employment under a provision of Public Law 97-306.

Testimony presented to the Subcommittee clearly demonstrated that the current Committee structure is not functioning as had been anticipated. In his statement before the Subcommittee, the witness representing the Disabled American Veterans (DAV) stated, "The Committee differs from other advisory committees in that the Secretary of Labor is the Chair and the Assistant Secretary for Veterans' Employment and Training serves as Vice Chair. Also various federal agencies serve as 'voting' members. Other advisory committees include federal agencies as 'ex-officio' members without a right to vote. The Chair is generally appointed by the Secretary, but only the nonfederal government members have a right to vote. Because of this [the current] structure the Committee is unable to vote on matters that may need to be brought to the attention of the Secretary because the federal members are unable to vote on something that may be contrary to Administration policy. We fully understand this dilemma."

The representative of the Vietnam Veterans of America (VVA) noted in testimony that under the structure, the committee, ". . . is incapable of serving in any meaningful capacity as an Advisory Committee. It is so top heavy with political appointees from the assorted relevant agencies that it is unable, no matter how well intended its individual members, to objectively evaluate existing programs or make meaningful recommendations."

The Committee agrees with these comments and, after reviewing the composition of several federal advisory committees, determined that the committee designed to advise the Secretary of Labor should more nearly parallel the structure of other advisory committees. Accordingly, the voting membership of the committee established under the reported bill would include representatives of certain chartered veterans' organizations and individuals who are recognized authorities in fields related to employment, training, rehabilitation, labor and business. Ex-officio members of the committee would include representatives of appropriate federal agencies. The Committee firmly believes that this restructuring will enable the Secretary of Labor and the Congress to make more informed decisions regarding the employment and training needs of our nation's veterans.

Oversight Findings

No oversight findings have been submitted to the Committee by the Committee on Government Operations.

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

The Committee received the following letter from the Congressional Budget Office on the cost of the reported bill:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, April 6, 1990.

Hon. G.V. Montgomery,
Chairman, Committee on Veterans' Affairs,
House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the attached cost estimate of H.R. 4087, a bill to amend title 38, United States Code, with respect to employment and training programs for veterans, as introduced and referred to the Committee on Veterans' Affairs on February 22, 1990.

If you wish further details on this estimate, we will be pleased to provide them.

Sincerely,

ROBERT D. REISCHAUER,
Director.

Attachment:

1. Bill number: H.R. 4087
2. Bill title: Veterans Employment and Training Programs
3. Bill status: As introduced and referred to the Committee on Veterans' Affairs on February 22, 1990.
4. Bill purpose: To amend title 38, United States Code, with respect to employment and training programs for veterans.
5. Estimated cost to the Federal Government:

[By fiscal years, in millions of dollars]

	1991	1992	1993	1994	1995
Estimated authorization level	0	50	70	70	75
Estimated outlays	0	50	70	70	75

Basis of Estimate

H.R. 4087 would amend Chapter 42—Employment and Training of Disabled and Vietnam Era Veterans—of title 38, United States Code, to extend the period for deferring who is a veteran of the Vietnam Era until December 31, 1996. Under current law, no veteran may be considered a veteran of the Vietnam Era after December 31, 1991. This amendment would affect the disabled veteran outreach program (DVOP) because the funds available under Chapter 41—Job Counseling, Training, and Placement Service for Veterans—for use in a state shall be sufficient to support the appointment of one DVOP specialist for each 5,300 veterans of the Vietnam Era and disabled veterans in such state.

This estimate is based on taking the difference between the cost of maintaining the current level of DVOP specialists through 1995 and the cost of decreasing the number of specialists as required under current law. Because the current provision expires Decem-

ber 31, 1991, the fiscal year 1992 costs cover only three-quarters of the year.

In addition, H.R. 4087 would expand the duties of the current Advisory Committee on Veterans Employment and Training to the Secretary of Labor to include assessing the employment and training needs of veterans and determining the extent to which the programs and activities of the Department of Labor (DOL) are meeting these needs. The Committee also would be required to submit a report to the Secretary of Labor describing the employment and training needs of veterans. Based on discussions with the DOL staff, CBO estimates this provision would cost less than $500,000 annually.

6. Estimated cost to State and local government: None
7. Estimate comparison: None.
8. Previous CBO estimate: None.
9. Estimate prepared by: Cory Leach (226–2820)
10. Estimate approved by: C.G. Nuckols for James L. Blum, Assistant Director for Budget Analysis.

Inflationary impact statement

The reported bill will have no inflationary impact in fiscal year 1991.

Department Views

The Committee received the following letter from the Department of Labor on H.R. 4087:

U.S. Department of Labor,
Secretary of Labor,
Washington, DC, June 14, 1990.

Hon. G.V. Montgomery,
Chairman, Committee on Veterans' Affairs,
House of Representatives, Washington, DC.

Dear Mr. Chairman: This is in response to your request for our views on H.R. 4087, a bill "to amend title 38, United States Code, with respect to employment and training programs for veterans."

This bill would:

—extend the definition of "veteran of the Vietnam era" (section 2011(2) of title 38, United States Code) which expires on December 31, 1991, through 1996;

—permit Disabled Veterans' Outreach Program (DVOP) specialists and Local Veterans' Employment Representatives to provide to military service personnel who are within 180 days of release from active duty, employment and training information in order to assist them in securing civilian employment; and

—create a new Advisory Committee on Veterans' Employment and Training within the Department of Labor.

For the reasons explained below, the Department of Labor does not favor enactment of this legislation in its present form.

With respect to the impact on the DVOP program of the expiration of the definition of "veteran of the Vietnam era" on December 31, 1991, we believe it is premature, at this time, to enact an exten-

sion of this definition. The veterans' employment programs which would be impacted by such action are the DVOP program and the Federal contractors' affirmative action program. Before extension of the definition takes place, however, we believe that fundamental changes should be explored to be responsive to the challenges ahead.

The DVOP program was designed over ten years ago specifically to focus on Vietnam-era and disabled veterans. Overall, Vietnam-era veterans are now enjoying a favorable employment rate in relation to the nation's job market. However, there continue to be subgroups with severe employment problems. Among these are the disabled Vietnam-era veterans, for whom the DVOP program was designed and is serving.

The DVOP program should be analyzed both with regard to its mission and the staffing formula. The scope of the DVOP specialists should be studied to assess their possible service to other groups of veterans in need, while continuing to serve our disabled veterans, with particular focus on the disabled Vietnam-era veteran. This expanded mission could include services to active duty servicemember preparing to return to the civilian labor market. Thus, we propose to conduct an analysis of the role of the DVOP specialists in the 1990s.

Currently there is a need to provide employment and training assistance to those who leave the active military. We note that H.R. 4087 addresses this need. We support revising the eligibility of veterans to be served by DVOP staff to include members of the Armed Forces before discharge, to allow DVOP specialists to serve these soon-to-be veterans. We have transmitted legislation to the Congress, introduced as S. 2546, which would accomplish this purpose. We would begin eligibility 90 days before discharge or release instead of the 180 days in H.R. 4087.

H.R. 4087 would also create a new advisory committee on veterans' employment and training. We oppose this provision. There already exists the Secretary's Committee on Veterans' Employment, which serves the purpose of bringing together representatives of the various constituency groups who represent the veterans of this country and the expertise of representatives of the various departments and agencies of the Federal government which are involved in veterans' employment issues.

We believe that the current structure of the Committee, as recently expanded by law (Pub. L. 100-323), provides the Secretary with sufficient opportunity to receive advice from representatives of veterans' service organizations and Federal agencies with a role in veterans' employment issues. This provision would be costly and create redundancy and duplication of the functions of the Office of the Assistant Secretary for Veterans' Employment and Training.

Finally, we plan to place greater emphasis on the Federal contractor data collection program. Legislation is needed to strengthen this program. The existing law (section 2012, of title 38 of the United States Code) provides for Federal contractor affirmative action for Vietnam-era and special disabled veterans on contracts over $10,000 and collection of data from such contractors. There are over 135,000 employers with contracts over $10,000 who file VETS-100 reports. Contractors report total employees, and Viet-

nam-era and special disabled veterans hired over the past twelve-month period, as well as the number of such veterans by occupational category that they have at the time of the report. VETS currently provide Federal contractor information to State Employment Security Agencies to enable them to market their services and promote the employment of veterans on these contracts.

However, the $10,000 threshold makes the program less effective for two reasons: one, on a cost-benefit basis, a $10,000 contract yields limited employment opportunities for veterans; and two, the existing threshold is not consistent with the written affirmative action threshold which is established by regulation.

We recommend providing authority for the Secretary to establish by regulation an appropriate threshold applicable to data collection. This would enable us to more effectively coordinate data collection and enforcement efforts with the Department of Labor's Office of Federal Contract Compliance Programs, coordination which is recommended by the existing law. This would provide us with a much better listing of employers and allow us to market veterans' employment on a broader scale.

The Office of Management and Budget advises that there is no objection to transmittal of this letter to Congress from the standpoint of the Administration's program.

Sincerely,

ELIZABETH DOLE,
Secretary.

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3 of Rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italics, existing law in which no change is proposed is shown in roman):

TITLE 38, UNITED STATES CODE

* * * * * * *

PART III—READJUSTMENT AND RELATED BENEFITS

* * * * * * *

CHAPTER 41—JOB COUNSELING, TRAINING, AND PLACEMENT SERVICE FOR VETERANS

Sec.
2000. Findings.

* * * * * * *

[2010. Secretary of Labor's Committee on Veterans' Employment.] *2010. Advisory Committee on Veterans Employment and Training.*
2010A. Special unemployment study.

* * * * * * *

§ 2003A. Disabled veterans' outreach program

(a) * * *

(b)(1) Pursuant to regulations prescribed by the Secretary of Labor, disabled veterans' outreach program specialists shall be assigned only those duties directly related to meeting the employment needs of [eligible veterans,] *eligible veterans and members of the Armed Forces described in subsection (c)(11) of this section,* with priority for the provision of services in the following order:

(A) Services to disabled veterans [of the Vietnam era] who are participating in or have completed a program of vocational rehabilitation under chapter 31 of this title.

(B) Services to other disabled veterans.

(C) Services to members of the Armed Forces described in subsection (c)(11) of this section.

[(C)]*(D)* Services to other eligible veterans in accordance with priorities determined by the Secretary of Labor taking into account applicable rates of unemployment and the employment emphases set forth in chapter 42 of this title.

In the provision of services in accordance with this paragraph, maximum emphasis in meeting the employment needs of veterans shall be placed on assisting economically or educationally disadvantaged veterans.

* * * * * * *

(c) Each disabled veterans' outreach program specialist shall carry out the following functions for the purpose of providing services to eligible veterans *and members of the Armed Forces described in subparagraph (11) of this subsection* in accordance with the priorities set forth in subsection (b) of this section:

(1) Development of job and job training opportunities for such veterans through contacts with employers, especially small- and medium-size private sector employers.

* * * * * * *

(11) Provision of employment and training information and services to individuals serving on active duty with the Armed Forces who are within 180 days of the estimated date of such individual's discharge or release from active duty under conditions other than dishonorable, including those who are making a determination of whether to continue as members, or be discharged or released from, the Armed Forces.

§ 2004. Local veterans' employment representatives

(a)(1) Beginning with fiscal year 1988, the total of the amount of funds made available for use in the States under section 2002A(b)(5)(A)(ii) of this title shall be sufficient to support the [assignment] *appointment* of 1,600 full-time local veterans' employment representatives and the States' administrative expenses associated with the [assignment] *appointment* of that number of such representatives and shall be allocated to the several States so that each State receives funding sufficient to support—

(A) * * *

* * * * * * *

(C) the State's administrative expenses associated with the [assignment] *appointment* of the number of such representatives for which funding is allocated to the State under clauses (A) and (B) of this paragraph.

* * * * * * *

(4) In the [assigning] *appointment* of local veterans' employment representatives on or after July 1, 1988, preference shall be given to qualified eligible veterans or eligible persons. Preference shall be accorded first to qualified service-connected disabled veterans; then, if no such disabled veteran is available, to qualified eligible veterans; and, if no such eligible veteran is available, then to qualified eligible persons.

* * * * * * *

(b) Local veterans' employment representatives shall—

[(1) functionally supervise the providing of services to eligible veterans and eligible persons by the local employment service staff;]

(1) functionally supervise the providing of—

(A) services to eligible veterans and eligible persons by the local employment service staff; and

(B) employment and training information and services to members of the Armed Forces described in section 2003A(c)(11) of this title by such staff;

* * * * * * *

(3) provide directly, or facilitate the provision of, labor exchange services by local employment service staff to eligible veterans and [eligible persons] *, eligible persons, and members of the Armed Forces described in section 2003(A)(c)11) of this title*, including intake and assessment, counseling, testing, job-search assistance, and referral and placement;

* * * * * * *

(8) refer eligible veterans and [eligible persons] *, eligible persons, and members of the Armed Forces described in section 2003A(c)(11) of this title* to training, supportive services, and educational opportunities, as appropriate;

* * * * * * *

[(d) Local veterans' employment representatives shall be assigned, in accordance with this section, by the administrative head of the employment service in each State after consultation with the Director for Veterans' Employment and Training.]

* * * * * * *

[§ 2010. Secretary of Labor's Committee on Veterans' Employment

[(a) There is established within the Department of Labor an advisory committee to be known as the "Secretary's Committee on Veterans' Employment". The committee shall meet at least quarterly for the purpose of bringing to the attention of the Secretary of Labor problems and issues relating to veterans' employment.

[(b) Notwithstanding section 2002A(b) of this title, the committee shall be chaired by the Secretary of Labor. The Assistant Secretary of Labor for Veterans' Employment and Training shall serve as vice chairman of the committee. The committee shall include—

[(1) representatives of—

[(A) the Secretary;

[(B) the Secretary of Defense;

[(C) the Secretary of Health and Human Services;

[(D) the Secretary of Education;

[(E) the Director of the Office of Personnel Management;

[(F) the Chairman of the Equal Employment Opportunity Commission;

[(G) the Administrator of the Small Business Administration;

[(H) the Postmaster General; and

[(I) any other agency of the Federal Government which has had its request to have a representative on the committee approved by the Secretary of Labor; and

[(2) a representative of each of the chartered veterans' organizations having a national employment program.

[(c) Members of the committee shall serve without compensation or other reimbursement for their service on the committee.]

§ 2010. Advisory Committee on Veterans Employment and Training

(a)(1) There is hereby established within the Department of Labor the Advisory Committee on Veterans Employment and Training.

(2) The committee shall—

(A) assess the employment and training needs of veterans;

(B) determine the extent to which the programs and activities of the Department of Labor are meeting such needs; and

(C) carry out such other activities that are necessary to make the reports and recommendations referred to in subsection (f) of this section.

(b) The Secretary of Labor shall, on a regular basis, consult with and seek the advice of the committee with respect to the matters referred to in subsection (a)(2) of this section.

(c) The Secretary of Labor shall, within 60 days after the date of the enactment of this section, appoint at least 12, but no more than 18, individuals to serve as members of the committee consisting of—

(1) representatives nominated by chartered veterans' organizations having a national employment program; and

(2) not more than 6 individuals who are recognized authorities in the fields of business, employment, training, rehabilitation, or labor and who are not employees of the Department of Labor.

(d) The following, or their representatives, shall be ex officio, nonvoting members of the committee:

(1) The Assistant Secretary of Labor for Veterans Employment and Training.

(2) The Secretary of Veterans Affairs.

(3) The Secretary of Defense.

(4) The Secretary of Health and Human Services.

(5) The Secretary of Education.

(6) The Director of the Office of Personnel Management.

(7) The Chairman of the Equal Employment Opportunity Commission.

(8) The Administrator of the Small Business Administration.

(9) The Postmaster General.

(10) The Assistant Secretary of Labor for Employment and Training.

(11) The Director of the United States Employment Service.

(12) Representatives of nationally based organizations with a significant involvement in veterans employment and training programs and of other Federal departments and agencies requesting a representative on the committee, as determined necessary and appropriate by the Secretary of Labor.

(e)(1) The committee shall meet at least quarterly.

(2) The Secretary of Labor shall appoint the chairman of the committee who shall serve in that position for no more than 2 consecutive years.

(3)(A) Members of the committee shall serve without compensation.

(B) Members of the committee shall be allowed reasonable and necessary travel expenses, including per diem in lieu of subsistence, at rates authorized for persons serving intermittently in the Government service in accordance with the provisions of subchapter 1 of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of the responsibilities of the Board.

(4) The Secretary shall provide staff and administrative support to the committee through the Veterans Employment and Training Service.

(f)(1) Not later than July 1, 1991, and not later than July 1 of each year thereafter, the committee shall submit to the Secretary of Labor a report on the employment and training needs of veterans. Each such report shall contain—

(A) an assessment of the employment and training needs of veterans;

(B) an evaluation of the extent to which the programs and activities of the Department of Labor are meeting such needs; and

(C) such administrative, legislative, and other recommendations as the committee considers appropriate.

(2) In addition to the reports made under paragraph (1), the committee may make recommendations to the Secretary of Labor with respect to the employment and training needs of veterans at times and in the manner determined by the committee.

(g) Within 60 days after receiving each such report from the committee, the Secretary of Labor shall transmit to the Congress a copy of the report together with any comments concerning the report that the Secretary considers appropriate.

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CHAPTER 42—EMPLOYMENT AND TRAINING OF DISABLED AND VIETNAM ERA VETERANS

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§ 2011. Definitions

As used in this chapter—

(1) * * *

(2)(A) Subject to subparagraph (B) of this paragraph, the term "veteran of the Vietnam era" means an eligible veteran any part of whose active military, naval, or air service was during the Vietnam era.

(B) No veteran may be considered to be a veteran of the Vietnam era under this paragraph after December 31, [1991] *1996* except for purposes of section 2014 of this title.

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